



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 3744

In re

Patent Application of

Jony Zangari et al.

Application No. 10/552,205

Confirmation No. 6337

Filed: October 6, 2005

Examiner: Melvin Jones

"MODULAR REFRIGERATION UNIT"

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF AARON HERNANDEZ**

Sir:

I, Aaron Hernandez, hereby declare:

1. I am the Site Manager of Engineering Monterrey of IR Climate Control, I am a citizen of Mexico, and I have firsthand knowledge of the below disclosed facts.

2. On information and belief, the invention shown and claimed in the above-identified patent application was conceived by the five named co-inventors, including the following individual:

Mr. Raul Gutierrez  
Jesus Guajardo #424 Sur.  
Buena Vista: C.P. 88120, Nuevo Laredo, Tamps

3. On information and belief, Hussmann Corporation ("Hussmann") is the Assignee-in-interest of the invention shown and claimed in the above-identified patent application. Each of the inventors, except Mr. Gutierrez, has previously assigned all right and title in the invention to Hussmann via an assignment document recorded with the U.S. Patent and Trademark Office on November 21, 2005, at reel/frame 016805/0683.

4. On information and belief, Hussmann's patent council, Michael Best & Friedrich, L.L.P. (hereinafter, "MBF"), filed the application on October 6, 2005, with an executed Declaration and Power of Attorney document (hereinafter "Declaration"), which was signed by four of the five inventors. Mr. Raul Gutierrez did not sign the Declaration.

5. On March 15, 2005 Raul Gutierrez terminated his employment with Hussmann.

6. On October 6, 2005, I called Mr. Gutierrez via his home phone number to explain to him that it was requested that he sign the Declaration document, and to have him return the signed Declaration document to me. Mr. Gutierrez requested the entire file for his review. I sent the file to him the same day.

7. On October 6, 2005, Raul Gutierrez was presented with English-language versions of the following application (PCT/US2004/010577) and Declaration document for the Application:

Utility Application Entitled "MODULAR REFRIGERATION UNIT"

Serial No.: 10/552,205

Filing Date: October 6, 2005

Inventors: Jony Zangari, Aaron Hernandez, Javier Flores, Dennis Dickerson, Raul Gutierrez

Attorney Docket No.: 047177-9121-01.

8. On October 7, 2005, I called Mr. Gutierrez via his home phone number to request the file returned to me. I requested that Mr. Gutierrez sign the Declaration and to return the signed Declaration to me. However, Mr. Gutierrez refused to sign the Declaration document because he wanted money in return for his signature.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Aaron Hernandez

NOV, 16 / 2007  
\_\_\_\_\_  
Date